

PUBLIC HEARING of the Town Council held Wednesday, October 28, 2009 at 7:22 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: Councilor Robert A. Bishop was excused

NOTE: An information session was held prior to the public hearing starting at 6:30 P.M. Representatives of the Public Works Department were available to answer any questions.

Relative to considering and acting upon declaring that Fairbanks Avenue in the Town of Burrillville is a Public Highway; said Fairbanks Avenue is set forth in the plan, entitled:

Right of Way Plan

Fairbanks Avenue

Burrillville, Rhode Island

Prepared For:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Project No. 08-063 Scale: 1"=40'

Date: 09/08/08

Waterman Engineering Co

NOTES: Notice was personally sent to all abutting property owners by certified mail, in accordance with the provisions of RIGL §24-2-1. Notice of the hearing was advertised in the legal section of the Woonsocket Call on Wednesday, October 21, 2009.

1. Legal analysis from Town Solicitor Timothy F. Kane.

Timothy F. Kane, Town Solicitor, explained the legal process for creation of public highways by use, as provided in Rhode Island general law §24-2-1. Mr. Kane indicated that the process had been followed relative to this roadway. Mr. Kane said that, if the resolution was to be adopted by the Town Council, the road would become a town road and that the town would be responsible for maintenance.

2. Testimony from Department of Public Works

Paul Cahill, Foreman, Burrillville Department of Public Works, testified that Fairbanks Avenue had been maintained by the town for at least 20 years.

3. Testimony from Waterman Engineering Company

Richard Lipsitz, Professional Land Surveyor, Waterman Engineering,

testified that, at the request of the Town, Waterman Engineering had conducted the right-of-way survey of Fairbanks Avenue as required by state law. Mr. Lipsitz testified that the results of the survey were shown on the referenced plan, which had been provided to the town, sent to abutters and was available at the hearing.

4. Public Comment

Cathy Jenks, Fairbanks Avenue, Pascoag, asked whether Fairbanks Avenue would be abandoned by the town at the end of 20 years. It was explained that the testimony indicated that the roadway has been maintained by the town for 20 years, which is one of the provisions of RIGL §24-2-1 that allows the town council to accept the highway into the town system.

5. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Robert A. Bishop was excused.

6. VOTED to adopt a resolution declaring that Fairbanks Avenue in the Town of Burrillville is a Public Highway, as follows:

**Resolution Declaring Fairbanks Avenue
in the Town of Burrillville
a Public Highway**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Fairbanks Avenue in the Town of Burrillville is a Public Highway, said Fairbanks Avenue is set forth in the plan, entitled:

Right of Way Plan

Fairbanks Avenue

Burrillville, Rhode Island

Prepared For:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

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The Town Council finds that the lands constituting Fairbanks Avenue has been or shall be quietly, peaceably, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a public highway, and are taken and considered as public highways to

all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Adopted as a resolution this 28th day of October 2009

Motion by Councilor Kevin D. Heitke. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Robert A. Bishop was excused.

7. VOTED to adjourn at 7:27 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Robert A. Bishop was excused.

The hearing was recorded.

Louise R. Phaneuf, Town Clerk